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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: August 8, 2005 Name: Stephen C. Smith (56,250) Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Romuald Pawluczyk

Appln. No.: 10/032,145

Filed: December 21, 2001

For: Raman Spectroscopic System with Integrating Cavity

Attorney Docket No: 11298/4

Examiner: Eric Frank Winakur

Art Unit: 3736

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Notification of Loss of Entitlement of Small Entity Status under 37 CFR 1.27(g)(2) and Deficiency Payment under 37 CFR 1.28(c); check for \$700 for deficiency payment
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$700 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

8/8/2005

Respectfully submitted,

Stephen C. Smith (Reg. No. 56,250)



Date of Deposit

Name of applicant, assignee or \_\_\_\_\_

Cell Count

8/8/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Eric Frank Winakur

Group Art Unit No. 3736

**NOTIFICATION OF LOSS OF ENTITLEMENT OF SMALL  
ENTITY STATUS UNDER 37 CFR § 1.27(g)(2) AND  
DEFICIENCY PAYMENT UNDER 37 CFR § 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On July 25, 2005, the Applicant sent by Certificate of Mailing a check for \$1030 (check number 361509) for payment of the \$700 Small Entity Issue Fee, the \$300 Publication Fee, and \$30 for an advance order of 10 copies of the forthcoming patent based on the subject allowed application. The Applicant also filed a paper titled

Request for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(b) with this submission. Copies of these papers are found in Exhibit A. While the Applicant properly, and in good faith, claimed small entity status when filing the subject application, the Applicant can no longer properly claim small entity status and the Applicant inadvertently did not notify the Patent Office of the loss of small entity status, and pay the issue fee as a large entity, when paying the issue fee on July 25, 2005.

Therefore, the Applicant hereby notifies the Patent Office that the Applicant has lost entitlement to small entity status, in accordance with 37 CFR § 1.27(g). This notification is signed in accordance with 37 CFR § 1.33(b).

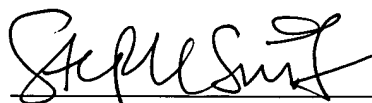
The Applicant submits herewith a check for \$700, which is the difference between the current Issue Fee for large entities (\$1400), per 37 CFR §1.18, and the issue fee as a small entity that was paid on July 25, 2005, as is required by 37 CFR §1.28(c)(2).

Itemized Deficiency Payment Per 37 CFR § 1.28(c)(2)

Large Entity Issue Fee:	\$1400
Small Entity Issue Fee paid on July 25, 2005:	\$700
Deficiency Fee Due	\$700

The Applicant notes that the Issue Fee is due on August 8, 2005, which is the same day that this paper is being filed by Certificate of Mailing. Therefore, the Applicant considers this deficiency payment to be timely and respectfully requests the Patent Office to accept this deficiency payment presented herewith as timely and process the allowed application for issue.

Respectfully submitted,



Stephen C. Smith  
Registration No. 56,250  
Attorney for Applicant

Application Number 10/032,145  
11298-4

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

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P.O. Box 1450  
Alexandria, VA 22313-1450

July 25, 2005

Date of Deposit

Signature

Our Case No. 11298/4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Romuald Pawluczyk**

Serial No. 10/032,145

Filing Date: **December 21, 2001**

Title: **Raman Spectroscopic System with Integrating  
Cavity**

)  
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)  
) Examiner: **Eric Frank Winakur**  
)  
) Group Art Unit No. 3736  
)  
)  
)

**REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT  
PURSUANT TO 37 C.F.R. § 1.705(b)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on **May 6, 2005**, indicating that the issue fee is due on **August 8, 2005**. The issue fee is being submitted for the present application in conjunction with this request for reconsideration of the patent term adjustment. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37

C.F.R. 1.701 of **413 days**. A copy of Notice of Allowance for the present application is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be **549 days**. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

**Period of adjustment pursuant to 37 C.F.R. § 1.703**

**Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)**

Applicant agrees with the USPTO that the period of adjustment due to delay in the first Office Action, mailed on July 18, 2004, is **509 days**, as indicated in Exhibit B.

**Period of adjustment pursuant to 37 C.F.R. § 1.703(b)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on

which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371. The USPTO calculation omits any adjustment due to this delay.

The present application was filed on **December 21, 2001**, as evidenced by the filing receipt attached as Exhibit C. The three-year date specified in 37 C.F.R. § 1.703(b) is **December 21, 2004**. On the date of mailing of the notice of allowance, May 6, 2005, the present application is believed to have already exceeded the three-year date by **136 days**. Applicant's Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application. Applicant's Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicant's Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

**Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704**

**Period of adjustment pursuant to 37 C.F.R. § 1.704(b)**

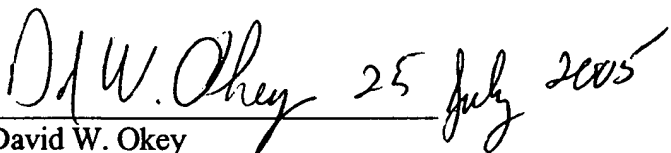
Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the three-month date) that is three months after the date of mailing or transmission of an Office communication notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed. Applicant agrees with the USPTO that the Applicant's delay in filing a reply on January 18, 2005, amounts to an Applicant delay of **96 days**, as indicated in Exhibit B.

**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be (509+136) days [USPTO delay] - (96) days [Applicant delay] = 549 days, instead of 413 days indicated on the Notice of Allowance attached as Exhibit A. The two periods of USPTO delay noted here are not overlapping with each other, in conformance with 37 C.F.R. § 1.703(f).

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

 25 July 2005

David W. Okey  
Registration No. 42,959  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

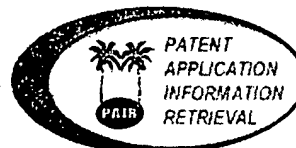


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## PATENT APPLICATION INFORMATION RETRIEVAL



## Patent Term Adjustment (PTA) for publication number: 10/032,145

			Days
Filing or 371(c) Date:	12-21-2001	USPTO Delay (PTO):	509
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	96
Post-Issue Petitions (days):	+0	Total PTA:	413
USPTO Adjustment (days):	+0	Explanation of Calculations	

## Search Options

Image File Wrapper
File History
Published Documents

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
05-06-2005	Mail Notice of Allowance		
05-06-2005	Mail Examiner's Amendment		
05-05-2005	Examiner's Amendment Communication		
05-05-2005	Notice of Allowance Data Verification Completed		
05-05-2005	Case Docketed to Examiner in GAU		
05-03-2005	Issue Revision Completed		
04-29-2005	Notice of Allowability		
02-17-2005	IFW TSS Processing by Tech Center Complete		
02-17-2005	Date Forwarded to Examiner		
01-18-2005	Response after Non-Final Action		96
01-18-2005	Request for Extension of Time - Granted		↑
01-18-2005	Workflow incoming amendment IFW		↑
07-14-2004	Mail Non-Final Rejection	509	↑
07-12-2004	Non-Final Rejection	↑	
06-29-2004	Case Docketed to Examiner in GAU	↑	
07-28-2003	Information Disclosure Statement (IDS) Filed	↑	
08-05-2002	Information Disclosure Statement (IDS) Filed	↑	
07-22-2002	Information Disclosure Statement (IDS) Filed	↑	
08-11-2002	Case Docketed to Examiner in GAU	↑	
07-30-2002	Transfer Inquiry to GAU	↑	
07-24-2002	Application Dispatched from OIPE	↑	
07-22-2002	Application Is Now Complete	↑	
06-11-2002	Payment of additional filing fee/Preexam	↑	
06-11-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	
03-14-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	
03-08-2002	IFW Scan & PACR Auto Security Review	↑	

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/032,145	12/21/2001	2877	567	11298/4	5	30	4

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

CONFIRMATION NO. 3548

## UPDATED FILING RECEIPT



\*OC000000008487370\*

Date Mailed: 07/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Romuald Pawluczyk, Ontario, CANADA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/14/2002

Projected Publication Date: 06/26/2003

Non-Publication Request: No

Early Publication Request: No

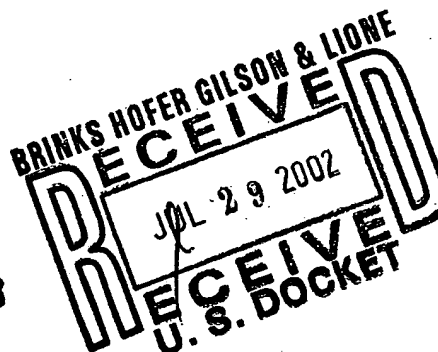
\*\* SMALL ENTITY \*\*

## Title

Raman spectroscopic system with integrating cavity

Preliminary Class

356



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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# **Exhibit A**

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Serial No. 10/032,145  
Applicant: ROMUALD PAWLUCZYK  
Client/Matter No.: 11298/4

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please acknowledge receipt of the below identified:

**Items Mailed:** Transmittal Letter; Request for Reconsideration of Patent Term Adjustment; Part B-Fee(s) Transmittal (in dup.); check for \$1,030 for issue fee payment; and return post card.

**BRINKS HOFER GILSON & LIONE**  
By: David W. Okey, Reg. No. 42,959  
Date of Mailing: July 25, 2005

Applicant: ROMUALD PAWLUCZYK  
Serial No.: 10/032,145  
Client/Matter: 11298/4  
Items Mailed: Transmittal Letter; Request for Reconsideration of Patent Term Adjustment; Part B-Fee(s) Transmittal (in dup.); check for \$1,030 for issue fee payment; and return post card.  
**DUE DATE:** August 8, 2005  
Date of Mailing: July 25, 2005

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Date: <u>July 25, 2005</u>	Name: <u>David W. Okey (42,959)</u>
Signature:	

**BRINKS  
HOFER  
GILSON  
& LIONE**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **Romuald Pawluczyk**  
 Appln. No.: **10/032,145**  
 Filed: **December 21, 2001**  
 For: **Raman Spectroscopic System with Integrating Cavity**

Examiner: **Eric Frank Winakur**  
 Art Unit: **3736**

Attorney Docket No: **11298/4**

Mail Stop Issue Fee  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

## TRANSMITTAL

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First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

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Date July 25, 2005

Respectfully submitted,

David W. Okey (Reg. No. 42,959)

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Invoice Number	Inv. Date	Code	Account	Invoice Amount	Description
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Chicago, Illinois 60675  
2-15/710

No. 361509

DATE

07/25/2005

\$\*\*\*\*\*1,030.00

PAY One Thousand Thirty &amp; no/100 Dollars

COMMISSIONER OF PATENTS AND TRADEMARKS

TO  
THE  
ORDER  
OF  
Authorized Signature

⑈361509⑈ ⑆071000152⑆ 0000107042⑈